

Message Text

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ACTION EB-07

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LIMITED OFFICIAL USE JOHANNESBURG 1512

E.O. 11652: N/A

TAGS: ELAB, SF

SUBJECT: COURT THROWS OUT CASE AGAINST TEXTILE FIRMS - BLACK
JOBS OUT OF JEOPARDY

REF: JOHANNESBURG 1189

1. BECAUSE OF TECHNICAL FLAW IN LAW, SOUTH AFRICAN
COURT HAS THROWN OUT GOVERNMENT'S CASE AGAINST TEXTILE
FIRM FOR OVER-EMPLOYMENT OF BLACKS UNDER TERMS OF EN-
VIRONMENTAL PROTECTION ACT (REFTL). COURT'S
DECISION BASED ON FACT THAT ACT DOES NOT CONTAIN
DEFINITIONS OF WORD IN VARIOUS LAWS, NONE OF
WHICH ARE REFERENCED IN EP ACT, LAW TECHNICALLY
FAULTY AND PROSECUTIONS COULD NOT RPT NOT TAKE PLACE
THEREUNDER.

2. GOVERNMENT COULD APPEAL COURT DECISION, BUT CON-
SENSUS HERE IS IT WILL NOT RPT NOT DO SO. IT THERE-
FORE LIKELY THAT OTHER CASES ON DOCKET AGAINST
OTHER FIRMS (110 AT LAST COUNT) WILL BE AT
LEAST TEMPORARILY DROPPED. THIS SHOULD
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BRING SOME MEASURE OF STABILITY BACK TO REELING

TEXTILE INDUSTRY AND REASSURE BLACKS AS TO THEIR
CONTINUED EMPLOYMENT.

3. CONSIDERABLE UNCERTAINTY EXISTS AS TO WHAT
GOVERNMENT'S NEXT STEP WILL BE. IT HAS BEEN PUSH-
ING PROSECUTIONS UNDER ACT AS MEASURE TO FORCE
TEXTILE FIRMS TO MOVE TO BORDER AREAS (REFTEL)
AND SOME PREDICT THAT IT WILL MOVE TO AMEND
ACT TO MEET COURT'S OBJECTION AT NEXT SESSION OF
LEGISLATURE. OTHERS BELIEVE COURT DECISION
MOTIVATED IN PART AT LEAST BY POLITICAL CON-
SIDERATIONS INVOLVING INCREASED BLACK UNEMPLOYMENT
IN URBAN AREAS WHICH WAS SIMPLY BEING EXACERBATED
BY UNCERTAINTY IN TEXTILE INDUSTRY AND IMPACT OF
THIS ON GENERAL BLACK UNREST. IN ANY CASE,
COURT'S DECISION CAN ONLY BE SEEN AS FORTUNATE IN
SEVERAL WAYS IN LIGHT OF CURRENT CIRCUMSTANCES
IN SOUTH AFRICA.
JOHNSON

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